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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,737	09/22/2000	James R. Hansen	11333-011001	9978
26161	7590	07/06/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			WU, YICUN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,737

Applicant(s)

HANSEN, JAMES R.

Examiner

Yicun Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 15-26, 28-36, 38-45, 47-55, 57-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 15-26, 28-36, 38-45, 47-55 and 57-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-29-04 2-9-05 11/17/04 12/17/04 9/1/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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III. DETAILED ACTION

1. Claims 1-3, 5-13, 15-26, 28-36, 38-45, 47-55, 57-106 are presented for examination.

2. Applicant's arguments submitted on 7-26-2004 with respect to claims 1-3, 5-13, 15-26, 28-36, 38-45, 47-55, 57-106 have been reconsidered but are not deemed persuasive for the reasons set forth below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-13, 15-26, 28-36, 38-45, 47-55, 57-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan et al. (U.S. Patent No. 6,560,656) in view of Lim et al. (U.S. Patent No. 6,370,582).

As to claims 1, 10, 20, 24, 33, 43, 52, O'Sullivan et al. discloses a method performed by a controller that monitors and/or controls an apparatus, the method comprising:

initiating communication with a server by sending a message to the server (i.e. sends a multicast packet to the network.

Fig. 5),

the message containing information that distinguishes the apparatus from other apparatuses (i.e. for use in communicating with the device. Fig. 5)

receiving, from the server and in response to the message, data that is specific to the apparatus (fig. 5, item 502); and

using the data to affect at least one of:

a configuration of the apparatus (fig. 5, item 503, 504).

an operation of the apparatus (fig. 5, item 503, 504), and

an operation of the controller (fig. 5, item 503, 504);

wherein, due to network architecture, the server cannot initiate communication to the controller to send the data to the controller (The receivers thus need not have prestored code or other information required to communicate with the device. Col. 3, lines 53-55).

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O'Sullivan et al. does not teach the message comprising a hypertext transfer protocol (HTTP) message.

Lim et al. teaches the message comprising a hypertext transfer protocol (HTTP) message (col. 2, lines 20-36 and col. 4, lines 62- col. 5, lines 9).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified O'Sullivan et al. with the message comprising a hypertext transfer protocol (HTTP) message.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified O'Sullivan et al. by the teaching of Lim et al. because providing the message comprising a hypertext transfer protocol (HTTP) message allows a single change or multiple changes/upgrades in at least one of entry codes and operating parameters to be implemented into individual terminal control units as taught by Lim et al. (col. 2, lines 10-15).

As to claims 2, 13, 25, 36, 44 and 55 O'Sullivan et al. as modified teaches a method wherein the message comprises

an operational parameter for the apparatus and the data comprises an updated value for the operational parameter (O'Sullivan et al. fig. 5, item 503).

As to claims 3, 26, 45, O'Sullivan et al. as modified teaches a method wherein the message comprises

plural operational parameters for the apparatus device and the data comprises updated values that differ from current values of the operational parameters (i.e. change. Lim et al. col. 2, lines 20-36).

As to claims 5, 28, 38, 47, 57, O'Sullivan et al. as modified teaches a method wherein the message comprises

a list of operations to be performed by the controller (O'Sullivan et al. fig. 5, item 503, 504); and

using the data comprises:

parsing the operations from the list (O'Sullivan et al. fig. 5, item 503, 504 and col. 6, lines 35-55); and

performing the operations from the list (O'Sullivan et al. fig. 5, item 503, 504 and col. 6, lines 35-55).

As to claims 6, 16, 29, 39, 48 and 58, O'Sullivan et al. as modified teaches a method wherein the data comprises

a configuration file for the apparatus device (O'Sullivan et al. fig. 5, item 503, 504 and col. 6, lines 35-55).

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As to claims 7, 11-12, 30, 34, 49 and 53-54, O'Sullivan et al. as modified teaches a method wherein

the message identifies the apparatus by a type (fig. 5, item 503, 504 and col. 8, lines 35-67) and/or one or more of a serial number and a universal unique identifier (i.e. deviceID. O'Sullivan et al. col. 8, lines 35-67).

As to claims 8, 31, 50, O'Sullivan et al. as modified teaches a method wherein

the controller sends the messages to the server periodically (O'Sullivan et al. fig. 5, item 503, 504 and col. 8, lines 35-67).

As to claims 9, 18-19, 21-23, 32, 41-42, 51, and 60-61, O'Sullivan et al. as modified teaches a method wherein the message comprises

an HTTP command that contains Extensible Markup Language code (Lim et al. col. 2, lines 20-36 and col. 4, lines 62- col. 5, lines 9).

As to claims 17, 40 and 59, O'Sullivan et al. as modified teaches a method wherein the message comprises

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receiving the data specific to the apparatus (O'Sullivan et al. fig. 5, item 503, 504); and

storing the data in memory (O'Sullivan et al. fig. 5, item 503, 504);

wherein the data is retrieved from the memory (O'Sullivan et al. fig. 5, item 503, 504).

As to claims 62, 65, 67, and 70, O'Sullivan et al. as modified teaches a method wherein the message comprises

communication is part of a polling process performed by the controller to obtain data from the server (O'Sullivan et al. fig. 5, item 503, 504).

As to claims 63, 64, 66, 68, 69 and 71-72, O'Sullivan et al. as modified teaches a method wherein the message comprises

wherein the server cannot initiate communication because the controller has a network address that the server cannot resolve (The receivers thus need not have prestored code or other information required to communicate with the device.

O'Sullivan et al. Col. 3, lines 53-55).

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5. As to claims 73-106, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

Conclusion

6. THIS ACTION IS MADE FINAL, Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, *THIS ACTION IS MADE FINAL*. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory- period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply-expire later than SIX MONTHS from the mailing date of this final action.

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Points of contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu
Patent Examiner
Technology Center 2100


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

June 30, 2005